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OFFICE OF PETITIONS

In re Application of :
Leslie James Thomas : DECISION ON PETITION
Application No. 10/518,316 :
Filed: June 15, 2005 :
Attorney Docket No. CUL0011US :

This is a decision on the PETITION UNDER 37 CFR 1.137(b) TO
REVIVE UNINTENTIONALLY ABANDONED APPLICATION & RESPONSE TO
OFFICE ACTION filed January 12, 2009.

The petition is GRANTED.

The above-identified application became abandoned for failure to
file a reply to the non-final Office action mailed May 7, 2008.
This Office action set a shortened statutory period for reply of
three (3) months, with extensions of time obtainable under
\$ 1.136(a). No reply considered timely filed and no extension
of time considered obtained, the application became abandoned
effective August 8, 2008. A courtesy Notice of Abandonment was
sent on December 12, 2008.

The petition includes the required reply in the form of an
amendment, the statement of unintentional delay and payment of
the petition fee. No terminal disclaimer is required.

An extension of time under 37 CFR 1.136 must be filed prior to
the expiration of the maximum extendable period for reply. See
In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats.
1988). Since the \$555 extension of time fee submitted with the
petition on January 12, 2009 was submitted subsequent to the

maximum extendable period for reply, this fee is unnecessary and is being refunded.

Technology Center AU 3635 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed January 12, 2009.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large initial "N" and "J".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions